

# TRAFFIC COMMISSION REPORT

## November 18, 2010

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### Item VB

#### **NON EMERGENCY MEDICAL TRANSPORTATION**

##### **ISSUE:**

The City Attorney has developed a proposed modification to the existing taxi cab ordinance (Chapter 2 – Taxicabs) to include nonemergency medical vehicles. However, the Community Development Department, License and Code Section has misgivings about the content of the proposed ordinance.

##### **BACKGROUND:**

The Burbank Municipal Code (BMC) requires the Traffic Commission to issue a Certificate of Public Convenience and Necessity. However, the BMC is silent on the specific criteria used for evaluation, particularly concerning the qualifications of the firm in Section 3-4-1305 Granting Permit and Certificate. See Attachment 1 for the current regulation of non emergency medical transportation. The proposed modifications to the taxicab ordinance are shown in Attachment 2.

##### **DISCUSSION:**

The proposed modifications to the BMC to clarify the requirements of non emergency medical transportation by the City Attorney will add this type of transportation to the existing rules for taxicabs. The taxicab rules and regulations require considerable work by the License and Code Section and by the Police Department to approve the users. Staff suggests that the taxicab requirements may be inappropriate for medical transportation.

The City Attorney and Terre Hirsch are available to discuss the issues.

##### **CONCLUSIONS:**

Staff requests comments from the Traffic Commission about the proposed ordinance.

##### **RECOMMENDATIONS:**

Discuss issues and provide input.

##### **ATTACHMENTS:**

1. Existing Municipal Code Sections
2. Proposed Ordinance Revisions

## **VB Attachment 1**

### **ARTICLE 13. PRIVATE AMBULANCE SERVICE**

#### **3-4-1301: LICENSE FEE; EXCEPTION:**

Every person engaging in the business of carrying patients for hire in a private ambulance shall pay an annual license fee in the amount set forth in the Burbank Fee Resolution; provided, however, that no license or license fee shall be required of any person who delivers but does not pick up patients in the City. Anything to the contrary notwithstanding, it shall be lawful for any person owning or controlling a private ambulance to pick up patients in the City, without obtaining a license or paying a license fee, provided such person first ascertains from the person ordering the service that no licensee hereunder is able or willing to render the service requested, and notifies the Police Department that he is going to make such pick up. [Formerly numbered Section 8-106; renumbered by Ord. No. 3058, eff. 2/21/87; amended by Ord. No. 3623, eff. 6/28/03.]

#### **3-4-1302: PERMIT AND CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY:**

No person required to be licensed shall engage in the business of carrying patients for hire in a private ambulance without a permit so to do and a Certificate of Public Convenience and Necessity from the Traffic Commission. [Formerly numbered Section 8-107; renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3755, eff. 12/26/08; 2194.]

#### **3-4-1303: APPLICATION FOR PERMIT AND CERTIFICATE:**

Applications for such permit and certificate shall be filed with the License Division and shall contain, in addition to the information required by Section 3-6-202 of this title:

A. Description of Vehicle: A description of the motor vehicle or vehicles which the applicant proposes to use as private ambulances, giving the type, name of the manufacturer, factory number and state license number thereof;

B. Schedule of Rates: A schedule of the rates or fares to be charged for carrying patients in such private ambulances;

C. Insignia: the color scheme, name, monogram or insignia of such private ambulance or ambulances;

D. Financial Status of Applicant: The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to said judgments;

E. Experience of Applicant: The experience of the applicant in the transportation of passengers; and

F. Additional Data in Support of Application: Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate.

#### **3-4-1304: INVESTIGATION AND HEARING:**

Upon the filing of such application, the License Division shall refer the application to the Traffic Commission, which shall investigate the matter and conduct a hearing, if it deems a hearing to be necessary. Notice of such hearing shall be given to all persons to whom permits and Certificates of Public Convenience and Necessity have been issued. Due notice shall also be given the general public by posting a notice of such hearing in the main lobby of the City Hall and as required by California's Ralph M. Brown Act (Gov.C. Sections



54950 et seq.). Any interested person may file with the Traffic Commission a memorandum in support of or opposition to the issuance of a permit and certificate. At such hearing testimony and other evidence may be received. The Traffic Commission shall have power to determine all issues relative to the granting or denying of such permits and certificates. [Formerly numbered Section 8-109; renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3755, eff. 12/26/08; 3048, 2194.]

#### 3-4-1305: GRANTING PERMIT AND CERTIFICATE:

Upon completing its investigation or hearing, the Traffic Commission shall grant the applicant a permit and Certificate of Public Convenience and Necessity if it finds that further private ambulance service in the City is required by the public convenience and necessity and that the applicant is fit, willing, and able to perform such public transportation and to conform to the provisions of this article and the rules promulgated by the Traffic Commission; otherwise, the application shall be denied. In making its finding, the committee shall take into consideration the number of private ambulances already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience, and responsibility of the applicant. Every person holding a valid license and permit to engage in the private ambulance business in the City, who was not required to obtain a Certificate of Public Convenience and Necessity at the time of obtaining such license and permit, shall be deemed to be providing private ambulance service in the City required by the public convenience and necessity, and shall also be deemed to be fit, willing and able to perform such public transportation and to conform to the provisions of this article and the rules promulgated by the Traffic Commission, and a Certificate of Public Convenience and Necessity shall be issued by the committee to such person without application therefor and without a public hearing thereon. [Formerly numbered Section 8-110; renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3755, eff. 12/26/08; 2194.]

#### 3-4-1306: ISSUANCE OF PERMIT AND CERTIFICATE:

If the permit and Certificate of Public Convenience and Necessity are granted, the Traffic Commission shall approve the application therefor and transmit the same to the License Division for issuance of the permit and certificate. The certificate shall state the name and address of the applicant, the number of vehicles authorized under the certificate and the date of issuance

From Hirsch  
Lic + Code  
9-23-10

## CHAPTER 2

### PUBLIC TRANSPORTATION

#### SECTION:

#### Article 1. Taxicabs and Nonemergency Medical Vehicles

- 7-2-101: Short Title
- 7-2-102: Definitions
- 7-2-103: ~~Taxicab~~ Owner's Business Permit and License Fees
- 7-2-104: Permit and Certification of Public Convenience and Necessity
- 7-2-105: Applications for ~~Taxicab~~ Owner's Business Permits
- 7-2-106: Investigation and Hearing
- 7-2-107: Suspension of ~~Taxicab~~ Owner's Business Permit and License
- 7-2-108: Review of Application by Traffic Commission
- 7-2-109: Issuance of ~~Taxicab~~ Owner's Business Permits and Licenses by the License and Code Services Division
- 7-2-110: Liability Insurance
- 7-2-111: Cancellation of Insurance; Effect
- 7-2-112: Taxicabs and Nonemergency Medical Vehicles; Necessity for Ownership, Approval and Listing
- 7-2-113: ~~Taxicab~~ Driver's Permit and License Required
- 7-2-114: ~~Taxicab~~ Driver's Permit Fee and Annual License Fee
- 7-2-115: ~~Taxicab~~ Driver's Permit Application
- 7-2-116: ~~Taxicab~~ Driver's Permit Applicant Investigation
- 7-2-117: ~~Taxicab~~ Driver's Permit Issuance
- 7-2-118: Necessity for Approval by the Chief of Police
- 7-2-119: Effect of Termination of Employment Upon ~~Taxicab~~ Driver's License
- 7-2-120: Temporary ~~Taxicab~~ Driver's License
- 7-2-121: Taxicab Driver Must Wear Badge and Uniform
- 7-2-122: Unlawful to Drive or Operate an Unlicensed Taxicab
- 7-2-123: Identification of Taxicabs
- 7-2-124: Taxicabs Must Not be Left Unattended
- 7-2-125: Taxicabs to be Kept Safe and Clean
- 7-2-126: Repairs May be Ordered
- 7-2-127: Illumination; Visibility of Speedometer
- 7-2-128: Licenses to be Displayed
- 7-2-129: Rates of Fare
- 7-2-130: Taxicab Rates to be Filed
- 7-2-131: Rates and Name of Owner to be Displayed
- 7-2-132: Taxicab; Meter
- 7-2-133: Unlawful Charge Prohibited
- 7-2-134: Necessity of Using Direct Route
- 7-2-135: Grounds for Denial, Suspension and Revocation



## ARTICLE 1. TAXICABS<sup>1</sup>

### 7-2-101: SHORT TITLE:

This article shall be known and may be cited as the TAXICAB ORDINANCE. [Amended by Ord. No. 3420, eff. 12/2/95.]

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### 7-2-102: DEFINITIONS:

As used in this article, unless the context otherwise clearly indicates, the following terms shall mean:

**COMMUNITY DEVELOPMENT DIRECTOR:** The Community Development Director of the City, or his or her designee.

**DRIVER:** Every person who drives or is in actual physical control of any taxicab or nonemergency medical vehicle.

**NONEMERGENCY MEDICAL VEHICLE:** A vehicle, operated or hired from a public or private garage for a fixed compensation and used for the transportation of the sick, injured, invalid, convalescent, infirm or otherwise incapacitated persons whose medical conditions require medical transportation services but do not require emergency services or equipment during transport.

**OWNER:** Any person, firm, association or corporation having proprietary control of, or right to proprietary control of, any vehicle as herein defined.

**PUBLIC WORKS DIRECTOR:** The Public Works Director of the City, or his or her designee.

**TAXICAB:** A motor propelled vehicle used for the transportation of passengers who direct the route to be traveled over the streets, for compensation which is fixed by a taximeter in accordance with the distance traveled and/or the time elapsed as approved by the Traffic Commission.

~~**TAXICAB OWNER OR OWNER:** Any person, firm, association or corporation having proprietary control of, or right to proprietary control of, any vehicle as herein defined.~~

**TAXICAB STAND OR STAND:** A public place which has been designated by the Public Works Director as reserved exclusively for the use of taxicabs.

**TAXIMETER:** A meter instrument or device attached to a taxicab which mechanically measures, calculates and registers, by means of figures, the fare, the distance traveled and the waiting time upon which the fare is based. [Amended by Ord. No. 3755, eff. 12/26/08;

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1. State law reference: As to authority for local regulations, see Veh.C. § 16501. As to regulations concerning the unloading of passengers, see Veh.C. § 22500. As to prohibition against taxi driver taking passenger to wrong hotel, see Pen.C. §§ 649, 649a.

3752, 3420.]

7-2-103: TAXICAB OWNERS BUSINESS PERMIT AND LICENSE FEES:

Every person engaged in the taxicab or nonemergency medical transportation business in the City shall pay an annual ~~taxicab-business~~ license fee in addition to a one time ~~taxicab~~ business permit fee in amounts set by the Burbank Fee Resolution. [Amended by Ord. No. 3420, eff. 12/2/95.]

7-2-104: PERMIT AND CERTIFICATION OF PUBLIC CONVENIENCE AND NECESSITY:

No person shall engage in the taxicab or nonemergency medical transportation business, or operate a taxicab or nonemergency medical vehicle as a vehicle for hire upon the streets of the City, without first obtaining a ~~taxicab~~ owner's business permit from the License and Code Services Division and for taxicabs only, a certification of public convenience and necessity from the Traffic Commission. [Amended by Ord. No. 3755, eff. 12/26/08; 3752, 3420.]

7-2-105: APPLICATIONS FOR TAXICAB OWNER'S BUSINESS PERMITS:

A. Applications for taxicab owner's business permits shall be filed with the License and Code Services Division and shall be concurrent with the application for ~~taxicab~~ owner's business license and contain, in addition to the information required by Section 3-6-202 of this code, the following information:

1. The residence and business address of the applicant if a natural person; if a firm, association or partnership, the name and address thereof and names and residences of members; if a corporation, name and address thereof and names and residences of officers and local manager if any;
2. The nature of the business;
3. The number of vehicles proposed to be operated;
4. Rates to be charged;
5. A financial statement of the applicant prepared by a certified public accountant within the previous year;
6. The color scheme and characteristic insignia to be used to designate the vehicles of the owner, the type and trade name of taximeter to be used and the size, location and wording of signs to appear on the taxicab;
7. Proof of insurance, in a form acceptable to the City Attorney.
8. The applicant's agreement to submit to a background investigation conducted by the Chief of Police, of all principals of the taxicab business;
9. Disclosure of the date and issuer of all permits to operate as a transportation business held by the applicant or any principals of the business within seven (7) years prior to the date of application; and
10. Such further information as the License and Code Services Division or Police Department may require.

B. The regular application acceptance period for taxicab owner's business permits and taxicab owner's business licenses shall be the first day of October through the fifteenth day of December of each calendar year, subject to the following exceptions:

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1. if, at the conclusion of the application acceptance period, the number of taxicabs proposed for operation by all applicants is insufficient to meet the total number of taxicabs needed to serve the public convenience and necessity as most recently determined by the Traffic Commission, then the Community Development Director shall extend the application acceptance period for an additional thirty (30) days.

2. If, at any time, the number of taxicabs for which duly issued taxicab owner's permits in effect (excluding any temporary taxicab owner's business permits issued pursuant to section 7-2-109) is insufficient to meet the total number of taxicabs required to serve the public convenience and necessity as most recently determined by the Traffic Commission, the Community Development Director may establish a special application acceptance period. Such authority shall exist and be exercised independently of the Community Development Director's authority under section 7-2-109 to authorize the issuance of temporary taxicab owner's business permits.

C. In July or August of each year, or as soon thereafter as the Traffic Commission holds a regular meeting, the Public Works Director shall provide a report to the Traffic Commission listing the name of each person or firm holding a taxicab owner's business permit, the number of such permits held by each such person or firm, and the expiration date of all such permits. The Traffic Commission may direct the Public Works Director to provide direct notification to any permit holder whose taxicab owner's business permit is due to expire on or before the following June 30.

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D. In order to maximize interest in the application process, the Community Development Director shall endeavor to publicize the opening of the application process to taxicab companies throughout Los Angeles County. The scope and means selected to publicize the application process shall be within the sole discretion of the Community Development Director, and the failure to use a particular method or advertise in a particular area shall not be grounds for challenging any decision or determination made pursuant to this chapter. [Amended by Ord. No. 3755, eff. 12/26/08; 3752, 3420.]

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#### 7-2-106: INVESTIGATION AND HEARING:

Upon the filing of an application pursuant to section 7-2-105, the License and Code Services Division shall refer the same to the Public Works Department, which shall cause an investigation to be made and a hearing to be held by the Traffic Commission in regard thereto. Written notice of such hearing shall be given to all persons to whom permits have been theretofore issued. Due notice shall also be given to the general public by posting a proper notice of such hearing. Any interested person may file with the Public Works Director a memorandum in support or opposition to the issuance of a permit. At such hearing, testimony and other evidence may be received, not necessarily limited to the matters contained in the application. The Traffic Commission, subject to review by the Council as may be provided in this code, shall have the power to determine all issues relative to the grant or denial of such permits. [Amended by Ord. No. 3755, eff. 12/26/08; 3752, 3420.]

#### 7-2-107: SUSPENSION OF TAXICAB OWNER'S BUSINESS PERMIT AND LICENSE:

Every taxicab-owner who does not comply fully with any provisions of the taxicab-owner's business permit and license may have such business permit and license immediately suspended by the Community Development Director, subject to review by the Traffic

Commission. [Amended by Ord. No. 3755, eff. 12/26/08; 3420.]

7-2-108: REVIEW OF APPLICATION BY TRAFFIC COMMISSION:

Upon completing its investigation and hearing, the Traffic Commission shall approve the issuance of ~~a-taxicaban~~ owner's business permit and license if all of the following are found to exist:

A. That the vehicles described in the application and proposed to be used as taxicabs are adequate and safe for such purpose;

B. That the color scheme, monogram, name or insignia to be used upon such taxicabs is not in conflict with and does not imitate any color scheme, name, monogram, or insignia used in the City of Burbank by any other licensee, in such manner as to mislead or tend to deceive or defraud the public; and that no other color scheme, monogram, name or insignia has theretofore been designated for such applicant; and

C. That further, with respect to taxicab service only, that taxicab service in the City is required by the public convenience and necessity and that the applicant is fit, willing, and able to perform such public transportation and to conform to the provisions of this article and the rules promulgated by the Traffic Commission. In making such findings, the Traffic Commission shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience and responsibility of the applicant as determined by the Chief of Police through a background investigation. Innovative proposals of service to the public presented by the applicant shall be considered, as well as written complaints filed with the License and Code Services Division or other jurisdictions and determined by License and Code Services Division to be valid. [Amended by Ord. No. 3755, eff. 12/26/08; 3420.]

7-2-109: ISSUANCE OF ~~TAXICAB~~-OWNER'S BUSINESS PERMITS AND LICENSES BY THE LICENSE AND CODE SERVICES DIVISION:

A. Upon approving the issuance of ~~a-taxicaban~~ owner's business permit and license pursuant to Section 7-2-108, the Traffic Commission shall thereupon refer the matter to the License and Code Services Division for issuance of the ~~taxicab~~-owner's business permit and license.

B. ~~A-taxicabAn~~ owner's business permit shall expire on June 30 of the third year from the date of issuance. ~~A-taxicabAn~~ owner's business license shall expire on the next June 30 following the date of issuance, and shall be subject to annual renewal for the duration of the term of the licensee's ~~taxicab~~-owner's business permit.

C. Notwithstanding any other provision of this chapter, the Community Development Director may approve the issuance of a temporary taxicab owner's business permit and a taxicab owner's business license to any qualified person or firm for a period not to exceed 180 days, in the following cases:

1. Whenever the number of taxicabs for which duly issued taxicab owner's



permits are in effect is insufficient to meet the total number of taxicabs required to serve the public convenience and necessity as most recently determined by the Traffic Commission.

2. Whenever the Community Development Director determines that additional taxicabs are immediately required to meet the transportation needs of the public due to a public emergency or other extraordinary event or circumstance.

D. In deciding whether to approve the issuance of a temporary taxicab owner's business permit and a taxicab owner's business license pursuant to subsection (c) of this section, the Community Development Director may require the individual or firm to whom such permit and license would be issued to furnish the information an applicant is required to provide under section 7-2-105, and further shall consider the character, experience and responsibility of the applicant as determined by the Chief of Police through a background investigation, or, if time does not reasonably permit performance of a background investigation, as determined by references or other sources of information deemed reliable by the Community Development Director. Upon such approval, the matter shall be referred to the License and Code Services Division for issuance of the temporary taxicab owner's permit and temporary taxicab owner's license.

E. A temporary ~~taxicab~~-owner's permit and temporary ~~taxicab~~-owner's license issued for more than thirty (30) days shall be referred to the Traffic Commission for further investigation and a hearing pursuant to sections 7-2-106 and 7-2-108. Prior to the decision of the Traffic Commission, the temporary ~~taxicab~~-owner's permit and temporary ~~taxicab~~ owner's license may be summarily revoked with or without notice or cause by the Community Development Director. Upon completing its investigation and hearing, the Traffic Commission shall ratify, modify or disapprove the decision of the Community Development Director. If disapproved, the temporary ~~taxicab~~-owner's permit and temporary ~~taxicab~~-owner's license shall be deemed revoked on the date of the Traffic Commission's decision. The person or firm to whom such permit and license are issued shall pay the permit and license fees specified in section 7-2-103 and shall comply with all other provisions of this chapter pertaining to ownership, operation, and maintenance of taxicabs and nonemergency medical vehicles.

F. ~~Taxicab~~-Owner's business licenses and ~~taxicab~~-owner's business permits are not transferable. [Amended by Ord. No. 3755, eff. 12/26/08; 3752, 3740, 3526, 3420.]

#### 7-2-110: LIABILITY INSURANCE<sup>2</sup>:

The Management Services Department shall establish the minimum levels and standards of automobile liability insurance which must be maintained in order to apply for, receive and operate with a ~~taxicab~~ owner's business permit and any temporary permits under this article. The failure to maintain the minimum levels and standards of automobile liability insurance for any period of time is a violation of this chapter and shall be sufficient grounds for summary suspension, revocation or nonrenewal of the ~~taxicab~~-owner's business permit or license. [Amended by Ord. No. 3420, eff. 12/2/95.]

2. State law reference: As to requirement that proof be maintained of ability to respond to damages, see Veh.C. §§ 16500-165503.

7-2-111: CANCELLATION OF INSURANCE; EFFECT:

If at any time such policy of insurance is canceled for any reason, or the surety or insurance company's right to transact business in the State is suspended or revoked, or if such policy is deemed to be insufficient for any reason, the Community Development Director or his or her designee shall require such owner to file a new policy and shall notify the ~~taxicab~~ owners that their ~~taxicab~~-business license is suspended until filing a new insurance policy which is approved as to form by the City Attorney. [Amended by Ord. No. 3420, eff. 12/2/95.]

7-2-112: TAXICABS ~~AND NONEMERGENCY MEDICAL VEHICLES~~; NECESSITY FOR OWNERSHIP, APPROVAL AND LISTING:

No person engaging in the taxicab ~~or nonemergency medical transportation~~ business shall use any taxicab ~~or nonemergency medical vehicle~~ in such business which has not been approved for such use by the Traffic Commission. The vehicle make, model, year of manufacture, taxicab number and vehicle identification number (VIN) of each taxicab ~~or nonemergency medical vehicle~~ licensed shall be on file with the License and Code Services Division. The License and Code Services Division shall not approve any taxicab ~~or nonemergency medical vehicle~~ for use until such vehicle is specifically included in the policy of insurance required by Section 7-2-110 of this article. [Amended by Ord. No. 3755, eff. 12/26/08; 3420.]

7-2-113: ~~TAXICAB~~-DRIVER'S PERMIT AND LICENSE REQUIRED:

No person shall operate a taxicab ~~or nonemergency medical vehicle~~ upon the streets of the City, and no person who owns or controls any such vehicle shall allow any taxicab ~~or nonemergency medical vehicle~~ to be so driven, and no such vehicle licensed by the City shall be so driven, unless the driver of the vehicle shall have first obtained and shall have then in force a ~~taxicab~~ driver's permit and license issued under the provisions of this article. [Amended by Ord. No. 3420, eff. 12/2/95.]

7-2-114: ~~TAXICAB~~-DRIVER'S PERMIT FEE AND ANNUAL LICENSE FEE:

Every person driving a taxicab ~~or nonemergency medical vehicle~~ shall pay a nonrefundable permit fee and an annual prorated license fee as established by the Burbank Fee Resolution. [Amended by Ord. No. 3420, eff. 12/2/95.]

7-2-115: ~~TAXICAB~~-DRIVER'S PERMIT APPLICATION:

Any person who intends to operate a taxicab ~~or nonemergency medical vehicle~~ shall apply to the City for a taxicab driver's permit by filing with the License and Code Services Division,



upon forms supplied by the City, a verified application containing the following information:

- A. Name and address of applicant;
- B. Convictions, if any, in any court of law;
- C. The endorsement of the owner by whom he is to be employed as a driver;
- D. Proof of a valid California driver's license, signed by the applicant, including the driver's license number and expiration date;
- E. The applicant's signed agreement to submit to a background investigation and fingerprinting by the Chief of Police;
- F. Three (3) recent photographs (2 inch x 2 inch head and shoulder) of applicant taken within one year immediately preceding the filing of the application;
- G. Test results from a certified laboratory or testing agency, submitted simultaneously with the applicant's verified application, proving that the applicant has tested negative for drugs and alcohol as provided by Section 53075.5(b)(3) of the California Government Code.
- H. Such further information as the License and Code Services Division may require.  
[Amended by Ord. No. 3440, eff. 8/03/96; 3420.]

| 7-2-116: ~~TAXICAB~~-DRIVER'S PERMIT APPLICANT INVESTIGATION:

| The Chief of Police shall conduct an investigation of each applicant for a ~~taxicab~~-driver's permit and shall indicate his approval on the application or, if disapproved, the reason therefor. The Chief of Police may disapprove any applicant who has a record of criminal conduct or other behavior involving any of the following:

- A. Moral turpitude;
- B. Violence toward persons or property;
- C. Severe physical or mental disease which could make the applicant a danger to the safety of others;
- D. Illegal sexual conduct involving another nonconsenting person;
- E. Negligent or reckless driving; or
- F. Operating a motor vehicle while under the influence of alcohol or drugs.  
[Amended by Ord. No. 3420, eff. 12/2/95; 3058.]

| 7-2-117: ~~TAXICAB~~-DRIVER'S PERMIT ISSUANCE:

A. The License and Code Services Division shall, upon consideration of the **taxicab** driver's permit applicant investigation, approve or deny the permit.

B. No such **taxicab**-driver's permit shall be granted to any person under the age of eighteen (18) years. The driver's permit may be denied as recommended by the Chief of Police and upon substantial evidence of facts of either physical or moral deficiencies of the applicant that would render such applicant not a fit and proper person to operate a "**taxicab**" or **nonemergency medical vehicle** as defined in this article. The applicant shall file with the License and Code Services Division an original copy of his or her three (3) year driving record, if available, obtained from the Department of Motor Vehicles within the prior thirty (30) days.

C. Upon approval of the **taxicab**-driver's permit, the License and Code Services Division shall issue a **taxicab**-driver's license to the applicant, together with a card which shall bear the name and photograph (2 inch x 2 inch shoulder and head) of the applicant, date of expiration of the license, and the name of the **taxicab** company for which the driver is authorized to operate a "**taxicab**" or **nonemergency medical vehicle** as defined in this article.

D. Upon termination of any driver's employment, the owner by whom such driver has been employed shall immediately give the License and Code Services Division written notice of termination, and shall forthwith surrender the **taxicab** driver's license to the License and Code Services Division for cancellation.

E. Such **taxicab**-driver's license shall be effective for the fiscal year in which issued except upon revocation or suspension of said license or upon termination of the driver's employment. A **taxicab**-driver's license which has not been revoked or suspended may be renewed annually by paying the fee specified by the Burbank Fee Resolution and by filing with the License and Code Services Division, on forms supplied by the City, a verification that the driver is in compliance with the provisions of this article pertaining to **taxicab** drivers' permits and licenses, test results from a certified laboratory or testing agency proving that the applicant has tested negative for drugs and alcohol as provided by Section 53075.5(b)(3) of the California Government Code.

F. Prior to the issuance of any permit under this section an applicant shall submit to, and satisfactorily complete, a written examination administered by the License and Code Service Office designed to ensure a minimum level of proficiency in language comprehension and other basic attributes of competent **taxicab** or **nonemergency medical transportation** service. This requirement is intended exclusively to promote the public safety and welfare by ensuring that a minimum level of competent service is being provided to the public by **taxicab** drivers' granted permits by the City. Such requirement shall apply to all new **taxicab** drivers' permit applications submitted after July 1, 1999, and shall be subject to all applicable fees and provisions as specified by the Burbank Fee Resolution. [Amended by Ord. No. 3526, eff. 9/11/99; 3440; 3420.]

7-2-118: NECESSITY FOR APPROVAL BY THE CHIEF OF POLICE:



Applications for a ~~taxicab~~-driver's ~~license-permit~~ shall be referred to the Chief of Police for approval. No such application shall be approved if:

A. The applicant is not of good moral character, or is under the age of eighteen (18) years, or is not competent to operate such motor vehicle safely on the streets of the City, or is otherwise not a fit or proper person to be in charge of or operate any such motor vehicle.

B. The applicant does not have a valid Class C driver's license issued by the State Department of Motor Vehicles.

C. Any false statement appears in the application or the application is otherwise incomplete. [Amended by Ord. No. 3420, eff. 12/2/95.]

7-2-119: EFFECT OF TERMINATION OF EMPLOYMENT UPON ~~TAXICAB~~-DRIVER'S LICENSE:

Each ~~taxicab~~-driver's license shall be in force and effect only while the holder thereof is employed as a taxicab driver by the taxicab or nonemergency medical transportation company indicated on the ~~taxicab~~-driver's license. The name of the ~~taxicab~~-driver's employer shall be shown on the license, and it shall be the duty of such employer to notify the License and Code Services Division upon the termination of the driver's employment. [Amended by Ord. No. 3420, eff. 12/2/95.]

7-2-120: TEMPORARY ~~TAXICAB~~-DRIVER'S LICENSE:

A. Any person who has applied for a ~~taxicab~~-driver's permit and license in accordance with the provisions of this article shall, upon request therefor, be issued a temporary ~~taxicab~~-driver's license for a period not to exceed ninety (90) days by the License and Code Services Division, pending action on his application. An additional sixty (60) day extension may be granted by the License and Code Services Division. Such temporary driver's license, while it is in effect, shall, for all purposes, have the same force and be subject to the same conditions as any other ~~taxicab~~-driver's license issued thereunder.

B. The License and Code Services Division may summarily suspend any temporary driver's license if the licensee violates any provision of this article. The action of the License and Code Services Division in issuing or suspending any temporary driver's license shall be subject to the ratification and approval by the Chief of Police without further action at any of its meetings held subsequent to the action of the License and Code Services Division but not later than fifteen (15) days thereafter. The License and Code Services Division's decision may be appealed per Section 2-1-1501 of this code. [Amended by Ord. No. 3420, eff. 12/2/95.]

7-2-121: TAXICAB DRIVER MUST WEAR BADGE AND UNIFORM

A taxicab driver shall wear a badge at least one inch by three inches (1" x 3") in size attached to his uniform, on the outermost shirt or jacket. The badge shall contain the taxicab

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driver's license. Taxicab drivers shall wear a uniform which shall have in a conspicuous place the name of the taxicab owner employing the taxicab driver. Taxicab drivers shall identify themselves by giving their full and correct name to any patron upon request. [Amended by Ord. No. 3420, eff. 12/2/95.]

**7-2-122: UNLAWFUL TO DRIVE OR OPERATE AN UNLICENSED TAXICAB OR NONEMERGENCY MEDICAL VEHICLE:**

No person shall drive or operate a taxicab or nonemergency medical vehicle, and no taxicab company shall operate in the City unless such vehicle is listed on the insurance list and insured in accordance with the provisions of this article. [Amended by Ord. No. 3420, eff. 12/2/95.]

**7-2-123: IDENTIFICATION OF TAXICABS:**

A. Each taxicab shall maintain in painted letters on the outside of each rear door and the rear of the taxicab, in a size of not less than two and one-fourth inches (2 1/4") in height and not less than five-sixteenths inch (5/16") in width, the following information:

1. The name of the owner or the fictitious name under which he operates;
2. The telephone number of the taxicab business employing the driver; and
3. The identification number of such taxicab.

B. Each taxicab shall bear the color scheme, name, monogram or insignia and taxicab seal for both front doors approved by the Traffic Commission for such vehicle. It shall be unlawful for any person to change such color scheme, name, monogram or insignia.

C. Each taxicab operated under an owner's permit shall be identified as a taxicab authorized to operate in the City of Burbank by an identifying annual reflective decal affixed to the driver's side of the rear bumper of the vehicle(s). These decals shall be issued by the License and Code Services Division. The decals shall be removed and returned to the License and Code Services Division whenever the taxicab is sold or permanently taken out of service.

D. Violation of this section shall subject the violator to impoundment of the unlawful vehicle. [Amended by Ord. No. 3755, eff. 12/26/08; 3420.]

**7-2-124: TAXICABS MUST NOT BE LEFT UNATTENDED:**

No person shall leave a taxicab unattended in a stand for longer ~~then~~ than three (3) minutes. [Amended by Ord. No. 3420, eff. 12/2/95.]

**7-2-125: TAXICABS TO BE KEPT SAFE AND CLEAN:**

Each taxicab vehicle shall be less than eight (8) years old and kept in a safe, clean and

3. State law reference: As to requirements for defrosters, see Veh.C. § 26712.

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sanitary condition. All vehicles utilized in service shall be equipped with operable radios that at all times permit communication between drivers' and taxicab company dispatchers. [Amended by Ord. No. 3526, eff. 9/11/99; 3420.]

#### 7-2-126: REPAIRS MAY BE ORDERED:

The Chief of Police, or his authorized representative, may order any person driving or operating a taxicab or nonemergency medical vehicle to promptly repair or correct any condition, if such condition renders the taxicab or nonemergency medical vehicle unsafe or hazardous to drive or operate. Upon receipt of written notice of such order, the driver or operator shall not operate the taxicab or nonemergency medical vehicle on the streets of the City, except for the purpose of having the condition repaired or corrected and shall, within forty eight (48) hours of receipt of such notice, present proof to the Chief of Police, or his authorized representative, that the repairs or corrections have been made. [Amended by Ord. No. 3420, eff. 12/2/95.]

#### 7-2-127: ILLUMINATION; VISIBILITY OF SPEEDOMETER:

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Each taxicab shall be equipped with a light of sufficient candle power, so positioned as to illuminate the entire interior area of the vehicle, and shall also be equipped with an operable speedometer that must be in full view of all passengers. [Amended by Ord. No. 3420, eff. 12/2/95.]

#### 7-2-128: LICENSES TO BE DISPLAYED:

The taxicab-driver's license in each taxicab or nonemergency medical vehicle shall be posted on the dashboard, in such a place to be in full view of all passengers. [Amended by Ord. No. 3420, eff. 12/2/95.]

#### 7-2-129: TAXICAB RATES OF FARE:

A. Except as provided in subsection (b) of this section, no owner, driver or operator of a taxicab shall charge a greater sum for the use of such vehicle than the highest rate for taxicab service approved by the City of Los Angeles based upon distance or time of travel, including a flag drop charge, mileage charge or charge for waiting or delay time.

B. Rates of fare shall be consistent throughout the City, except that the Traffic Commission (hereinafter "Commission") may authorize a surcharge for extraordinary or unusual costs incurred in providing taxicab service upon request of any taxicab owner holding a business permit issued pursuant to this Chapter. A taxicab owner requesting approval of a surcharge shall have the burden of producing evidence demonstrating that it has incurred, or reasonably expects to incur, such extraordinary or unusual costs. The Commission shall make its decision in the course of a regular meeting at which the taxicab owner and other interested persons shall be given an opportunity to be heard and to present evidence pertinent to the matter. The Commission may continue the hearing from time to time in order

to conduct further investigation. The Commission's decision approving or denying the requested surcharge shall be in writing and include a statement of reasons. The Commission may, based upon the evidence presented to it, approve a surcharge for a specified area or location in the city or fix a date upon which a surcharge shall expire without further action. The Commission's decision to approve a surcharge shall apply to all taxicab owners, drivers and operators providing taxicab service pursuant to this Chapter. The Secretary to the Commission shall cause written notice of the Commission's decision to be given to all taxicab owners within ten business days.

C. Any decision of the Commission under this section shall be subject to appeal to the Permit Appeals Panel pursuant to Article 15 of Division 2 of this Code. [Amended by Ord. No. 3755, eff. 12/26/08; 3725, 3420.]



7-2-130: TAXICAB-RATES TO BE FILED:

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Each person engaged in the taxicab or nonemergency medical transportation business in the City shall at all times keep on file with the Traffic Commission and License and Code Services Division an up to date schedule of taxicab-rates for carrying passengers. [Amended by Ord. No. 3755, eff. 12/26/08; 3420.]

7-2-131: RATES OF NAME AND OWNER TO BE DISPLAYED:

Every taxicab or nonemergency medical vehicle operated under this article shall have a rate card, as approved by the License and Code Services Division, displayed in such a place as to be in view of all passengers. Such card shall set forth the authorized rates of fare, the owner's name or fictitious business name, and the owner's business address and telephone number. [Amended by Ord. No. 3420, eff. 12/2/95.]

7-2-132: TAXICAB; METER:

All taxicabs operated under the authority of this article shall be equipped with a taximeter of a type and design approved by State laws and regulations. No fare shall be charged other than as allowed by State laws and regulations. All taximeters shall be maintained and inspected as prescribed by State laws and regulations. Such taximeters shall be subject to inspection from time to time by the Chief of Police or his authorized representative. [Amended by Ord. No. 3420, eff. 12/2/95.]

7-2-133: UNLAWFUL CHARGE PROHIBITED:

No driver of any City of Burbank licensed taxicab operating in the City shall demand or charge an amount in excess of the amount computed and shown by the taximeter. [Amended by Ord. No. 3420, eff. 12/2/95.]

7-2-134: NECESSITY OF USING DIRECT ROUTE:

No driver of a taxicab hired to carry passengers to a definite point shall take any route other than the most direct route possible, consistent with passenger safety and expeditious transportation to such destination. [Amended by Ord. No. 3420, eff. 12/2/95.]

7-2-135: GROUNDS FOR DENIAL, SUSPENSION AND REVOCATION:

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Any license or permit granted or issued under the provisions of this article may be denied, suspended or revoked for any of the following reasons:

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A. Failure to apply for the issuance of a taxicab owner's business permit or taxicab owner's business license within ninety (90) days from the date the certificate of necessity

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and convenience is granted.

B. Failure to operate pursuant to such license or permit within any ninety (90) day period within the permit's term.

C. Violation of any provision of this article by a holder of such license or permit.

D. The existence of any state of facts which would have been good reason to deny such license or permit when applied for, regardless of when such state of facts arose.

E. Conviction of any felony, any misdemeanor as defined by the California Vehicle Code, or any crime involving physical violence or moral turpitude. [Amended by Ord. No. 3420, eff. 12/2/95.]

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